

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE GIRALDO, CARLOS ALVARADO, JOSE
HUMBERTO VELASQUEZ, MIGUEL HERNANDEZ,
STEVEN ROPIZAR and WILLIAM MONTALVO,
Individually and on Behalf of All Others Similarly Situated,
As Class Representatives,

Plaintiffs,

ORDER

11-cv-000362 (LDW) (ARL)

ECF CASE

-against-

ABC PARTS INTERNATIONAL, INC. AND MITCHELL
JAVAHERI,

Defendants.

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WHEREAS, the Parties in the above-captioned Action have entered into a Stipulation and Settlement Agreement ("Settlement Agreement") and have sought the Court's approval of their Class Action Settlement; and

WHEREAS, the Court has considered the papers submitted by the parties;

The Court hereby Orders the following:

1. The Court grants preliminary approval of the Settlement Agreement and certification the Settlement Classes based upon the terms set forth in the parties' Settlement Agreement. The Settlement appears to be fair, reasonable, and adequate to the Settlement Classes.

2. The Settlement falls within the range of reasonableness and appears to be presumptively valid, subject only to any objections that may be raised at the final hearing and final approval by this Court.

3. The Court preliminarily approves Class Counsel's request for attorneys' fees as set forth in the Settlement Agreement.

4. A final approval hearing on the question of whether the proposed Settlement Agreement, attorneys' fees and costs to Class Counsel, and the class representatives' service payments should be finally approved as fair, reasonable, and adequate as to the members of the class is scheduled for August 23, 2011, at 11:00 AM.

5. The Court approves, as to form and content, the Notice of Pendency of Class Action Settlement ("Class Notice"), in substantially the form attached to the Settlement Agreement as Exhibit 3, and the Proof of Claim Form, in substantially the form attached to the Settlement Agreement as Exhibit 2. The Court also approves the procedure for Class Members to opt-out of or object to the Settlement set forth in the Class Notice and Settlement Agreement.

6. The Court directs the mailing of the Class Notice and Claim Form by first class mail to the Class Members in accordance with the Implementation Schedule set forth below.

7. The Court also directs the parties to place a ½ page advertisement in the Spanish language newspapers called Enfoque Latino Press and The Bilingual News which are in general circulation on Long Island and in Queens, New York providing Notice of the Class Action Settlement. Said advertisements shall run for a 3 day period.

8. The Court finds that the dates selected for the mailing and distribution of the Class Notice and Claim Form, as set forth in paragraph 11, *infra*, and the use of a Spanish language advertisement meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

9. The New York State Law and FLSA Settlement Classes as described in the Settlement Agreement are preliminarily certified for settlement purposes only.

10. The Court confirms the Law Offices of Lipman & Plesur, LLP as Class Counsel.

11. The Court orders the following Implementation Schedule for further proceedings:

Deadline to Mail Class Notice and Claim Form	Sixty (60) Days from this Order
Deadline for Defendants to Mail CAFA Notice, pursuant to the requirements of the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1715(b)	[10 days from the date Settlement Agreement is filed]
Deadline to Submit Claim	Sixty (60) Days from Mailing of Class Notice
Deadline for Receipt of Objections	Forty-five (45) Days from Mailing of Class Notice
Final Approval Hearing	[] August 23, 2011 at 11:00 AM
Deadline for Defendants to Make Settlement Payments to Settlement Administrator	Within thirty (30) days of the Final Settlement Order
Deadline for Defendants to Provide Settlement Administrator with funds for Class Counsel's Fees/Costs	Within thirty (30) days of the Final Settlement Order

IT IS SO ORDERED.

Dated: Feb. 22, 2011

DISTRICT COURT JUDGE